

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DC Comics,

Plaintiff,

v.

Mark Towle, an individual and d/b/a  
Gotham Garage, and Does 1 through 10,  
inclusive,

Defendants.

Case No. CV11-3934 RSWL (OPx)

ORDER RE: PERMANENT  
INJUNCTION

Pursuant to the Court’s Orders of February 8, 2013, and pursuant to the Parties’ Joint Stipulation re Entry of Judgment and Permanent Injunction acknowledging these Court Orders, the Court finds the following facts:

1. Plaintiff DC Comics (“DC Comics”) is the owner of various copyrights infringed by Defendant Mark Towle, an individual and d/b/a Gotham Garage (“Defendant”). Specifically, DC Comics owns all copyright interest in and to the Batman character, all Bat symbols, the Batmobile, including the iterations and versions appearing in the 1966 television series *Batman* and the 1989 motion picture *Batman*, and all Batman-related indicia (collectively “the Batman Copyrights”). The Batman Copyrights are reflected, *inter alia*, in the copyright registrations identified

1 in the chart appended as Exhibit A hereto, which include both literary works directly  
2 registered by DC Comics, as well as television series episodes and a theatrical  
3 motion picture produced under license from DC Comics and subject to DC Comics'  
4 reservation of rights.

5 2. DC Comics is the owner of various trademarks infringed by Defendant,  
6 including the registered trademarks to the word and design marks identified in the  
7 chart appended as Exhibit B hereto (collectively "the Batman Trademarks"). (The  
8 Batman Copyrights and the Batman Trademarks are collectively referred to herein as  
9 the "Batman Properties.")

10 3. Defendant's manufacture, sale, offering for sale, marketing and/or  
11 distribution of replica vehicles, vehicle kits, vehicle parts and accessories, and other  
12 merchandise bearing any simulation, reproduction, counterfeit, copy, or colorable  
13 imitation of any of the Batman Properties ("Unauthorized Products") are in violation  
14 of DC Comics' rights in and to the Batman Properties.

15 Therefore, based upon the foregoing facts, and good cause appearing  
16 therefore,

17 THE COURT HEREBY ORDERS that this Injunction shall be and is hereby  
18 entered in the within action as follows:

19 1. Defendant and his agents, servants, employees, and all persons in active  
20 concert and participation with him who receive actual notice of this Injunction, are  
21 hereby restrained and enjoined from:

22 a. Infringing the Batman Properties, either directly or contributorily,  
23 in any manner, including generally, but not limited to, the manufacturing,  
24 producing, distributing, circulating, selling, marketing, offering for sale,  
25 renting, advertising, promoting, exhibiting, or otherwise disposing of any  
26 Unauthorized Products;  
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1           b.     Using any simulation, reproduction, counterfeit, copy, or  
2     colorable imitation of any of the Batman Properties in the promotion,  
3     advertisement, display, sale, offer for sale, rental, manufacture, production,  
4     circulation, or distribution of Unauthorized Products in such fashion as to  
5     relate or connect, or tend to relate or connect, such products in any way to DC  
6     Comics or to any goods sold, manufactured, sponsored, or approved by or  
7     connected with DC Comics;

8           c.     Making any statement or representation whatsoever, or using any  
9     false designation of origin or false description, or performing any act that can  
10    or is likely to lead the trade or public, or individual members thereof, to  
11    believe that any products manufactured, distributed, or sold by Defendant are  
12    in any manner associated or connected with DC Comics, or are sold,  
13    manufactured, licensed, sponsored approved, or authorized by DC Comics;

14          d.     Engaging in any other activity constituting unfair competition  
15    with or an infringement of any of the Batman Properties or of DC Comics'  
16    rights in, or to use or to exploit the Batman Properties, or constituting any  
17    dilution of DC Comics' name, reputation, or goodwill;

18          e.     Effecting assignments or transfers, forming new entities or  
19    associations or using any other device for the purpose of circumventing or  
20    otherwise avoiding the prohibitions set forth herein; and

21          f.     Aiding, abetting, contributing to, or otherwise assisting anyone  
22    from infringing upon any of the Batman Properties.  
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**EXHIBIT A****COPYRIGHT REGISTRATIONS**

<b>Copyright Registration</b>	<b>Title of Work</b>	<b>Type of Work</b>
R 674652	<i>Detective Comics</i> #156 (Feb. 1950)	Periodical
RE 575-202	<i>Batman</i> #164 (June 1964)	Periodical
RE 628-257	<i>Detective Comics</i> #341 (July 1965)	Periodical
RE 635-675	<i>World's Finest Comics</i> #154 (Dec. 1965)	Periodical
R 509062	<i>Batman</i> #20 (Dec. 1943- 1944)	Periodical
RE 628-242	<i>Batman</i> #170 (628-242)	Periodical
R 434644	<i>Batman</i> #5 (Spring 1941)	Periodical
TX 2-521-679	<i>Batman: The Cult</i> (1988)	Periodical
TX 2-046-861	<i>Batman</i> #408 (June 1987)	
TXu 521-001	Batman Returns Style Guide I	Style Guide
TXu 513-455	Batman Returns Style Guide II	Style Guide
PA 269-509	BATMAN Series – THE JOKER'S LAST LAUGH	Television Motion Picture
PA 417-162	BATMAN	Motion Picture

**EXHIBIT B****TRADEMARK REGISTRATIONS**

<b>Trademark</b>	<b>Registration No.</b>	<b>Class</b>	<b>Registration Date</b>
<b>Bat Emblem</b> 	1581725	28	February 2, 1990
	1581593	21	February 6, 1990
	1581659	25	February 6, 1990
	2119266	16	December 9, 1997
<b>Bat Emblem (Batman Begins)</b> 	3299017	9	September 25, 2007
	3110604	16	June 27, 2006
	3326043	25	October 30, 2007
	3313612	28	October 16, 2007
<b>Bat Rep II</b> 	1219120	16	December 7, 1982
<b>BATMAN (Word Mark)</b>	0856045	25	September 3, 1968
	0858860	28	October 22, 1968
	0828412	21	May 9, 1967
	2457655	41	June 5, 2001
	1652640	41	June 30, 1991
	0839561	16	November 28, 1967
	1221720	16	December 28, 1982
	1587507	9	March 20, 1990
<b>BATMOBILE (Word Mark)</b>	Serial No. 85143617	12	n/a
	4246497	40	November 20, 2012
	1124961	28	November 24, 1981
	1124961	28	September 11, 1979